

TEXAS TRANSPORTATION COMMISSION

Various Counties

MINUTE ORDER

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Various Districts

Transportation Code, §201.206, authorizes the Texas Department of Transportation (department) to accept a donation in any form, including realty, personalty, money, materials, and services, for the purpose of carrying out its functions and duties. Government Code, Chapter 575, requires the governing board of a state agency to acknowledge the acceptance of a donation valued at \$500 or more by majority vote at an open meeting, not later than the 90th day after the date the donation is accepted. It also prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final.

The Texas Transportation Commission (commission) has adopted 43 TAC §§1.500-1.506, which relate to the department's acceptance of donations. Section 1.503 authorizes the executive director to approve acceptance of donations to the department and requires that donations valued at \$500 or more must be acknowledged by order of the commission not later than the 90th day after the date the donation is accepted by the department. It further prohibits acceptance of a gift or donation when the donor is subject to department regulation or oversight or when the donor is interested in or likely to become interested in any contract, purchase, payment, or claim with or against the department, except as provided by that section. It also provides that the executive director may approve the acceptance of a donation, notwithstanding the foregoing proscriptions in the rules, if the executive director determines that acceptance would provide a significant public benefit and would not influence or reasonably appear to influence the department in the performance of its duties.

Transportation Code, §223.049 authorizes the department to contract with an owner of land adjacent to a highway that is part of the state highway system to construct an improvement on the highway right of way that is directly related to improving access to or from the owner's land. Exhibit A lists donations resulting from a contract executed by the department under Transportation Code, §223.049 and other donations accepted under Transportation Code, §201.206.

The commission established the Sponsorship Acknowledgement Program under 43 TAC Chapter 12, Subchapter K. The program, which is authorized by the Federal Highway Administration in FHWA Order 5610.1A, allows the department to place signs acknowledging donations made to the department to fund transportation related services. Exhibit B lists donations made to the department under the Sponsorship Acknowledgement Program.

The executive director has determined that the donations identified in the attached exhibits comply with the applicable provisions of 43 TAC §§1.500-1.506, 43 TAC §12.353, Government Code, Chapter 575 and Transportation Code, §201.206, §223.049 and §224.001, and has approved acceptance of those donations. All required donation agreements have been executed under 43 TAC §1.504 and §1.506, as applicable.

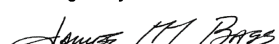
IT IS THEREFORE ORDERED by the commission that it acknowledges the acceptance of the donations identified in the attached Exhibits A and B.

Submitted and reviewed by:

DocuSigned by:

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Director, Contract Services Division

Recommended by:

DocuSigned by:

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Executive Director

115859 Sept. 24, 2020

Minute	Date
Number	Passed

**EXHIBIT A
DONATIONS
September 24, 2020**

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
1.	Bear Pump Riverfront Properties, LLC	Waco District	McLennan	The donor is donating the design and construction of the public road and utility improvements on Martin Luther King Jr. Blvd. The proposed road will extend Martin Luther King Jr. Blvd., connecting Business 77 and Highway 484 in Waco, McLennan County, Texas. The newly constructed road will improve access to the donor's property and will become City of Waco right of way. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$210,000.00.	\$210,000.00	8/25/2020
2.	Bridgeland Development, LP	Houston District	Harris	The donor is donating the design and construction of a right turn lane at the intersection of SH 99 at Bridgeland Creek Parkway from the northbound exit ramp of SH 99 into the donor's development in Harris County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$270,000.00.	\$270,000.00	8/20/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
3.	Broadmoor Austin Associates	Austin District	Travis	The donor is donating the design and construction of: 1) pavement widening, signals, irrigation, landscaping, sidewalk, bike path, and storm drain just north of the intersection of Burnet Road and Esperanza Crossing; 2) northbound right turn lane from north of Esperanza to Gault Lane; 3) new traffic signal at Burnet Road and Solaris Street (Old IBM Roadway); 4) signal upgrades/modifications, and pedestrian improvements at Burnet Road and Palm Way (Uptown Boulevard); and 5) signal upgrades/modifications, and pedestrian improvements at Burnet Road and Gault Lane in Austin, Travis County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$4,200,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$4,200,000.00	7/31/2020
4.	BTS Capital, Inc.	Houston District	Fort Bend	The donor is donating the design and construction of a right turn deceleration lane and traffic signal modification from westbound FM 1093 (at Grand Mission Boulevard) into the donor's development in Fort Bend County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$290,000.00.	\$290,000.00	7/31/2020
5.	Dlugosch III, LLC	Corpus Christi District	Karnes	The donor is donating the design (\$125,000) and a fixed amount of \$243,000 towards the state's cost of construction of a dedicated left turn lane on northbound US 181, a dedicated right turn lane on southbound US 181, a fourth leg of the intersection at US 181 and Business 123 as well as signal improvements to transition this to a 4-leg intersection adjacent to the Texan facility in Karnes County, Texas. All construction work will be provided by the state, its consultant or its contractor. The state will include the construction work as part of an existing project (0100-05-184).	\$368,000.00	9/02/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
6.	Dublin Ventures LLC	Abilene District	Callahan	The donor is donating a fixed amount of \$48,120.00 towards the state's cost to construct a 2" pavement overlay at FM 1707 and IH 20 south frontage road in Clyde, Callahan County, Texas to provide improved pavement structure needed due to the increased traffic generated by the proposed Truck Stop. All design and construction work will be provided by the state. The state will include the construction work as part of the current routine maintenance project.	\$48,120.00	8/20/2020
7.	Forestar (USA) Real Estate Group Inc.	Austin District	Travis	The donor is donating the design and construction of a new traffic signal at the intersection of Decker Lane/FM 3177 and City Top Blvd. The improvements include the traffic signal installation, pavement striping, and signage in Austin, Travis County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$480,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$480,000.00	8/19/2020
8.	Fulshear Lakes, Ltd.	Houston District	Fort Bend	The donor is donating the design and construction of a traffic signal for a proposed driveway at FM 1093 and Weston Drive, a left turn lane eastbound on FM 1093 into the Fulshear Lakes development, and one right turn lane westbound on FM 1093 into the Fulshear Lakes development in Fulshear, Fort Bend County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$800,000.00.	\$800,000.00	8/18/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
9.	Greenview Development 973, L.P.	Austin District	Travis	The donor is donating a fixed amount of \$547,346.00 towards the state's cost to design and construct roadway improvements at the intersections of FM 973 at US 290, FM 973 at Ring Rd., and FM 973 at Old Hwy 20/ Loop 212 to include; 1) the addition of northbound and southbound left turn lanes at the intersection of FM 973 at US 290; 2) traffic signal modifications and pedestrian crosswalk at US 290; 3) traffic signal installation, restriping, and pedestrian crosswalk at Ring Rd.; 4) and to include the addition of southbound right turn lane and pedestrian crosswalk at Old Hwy 20/ Loop 212, modifications include pavement widening, striping, signage and drainage improvements in Manor, Travis County, Texas. All design and construction will be provided by the state. This project will be part of a current TXDOT project under CSJ #1200-02-033	\$547,346.00	8/12/2020
10.	H-E-B, LP	San Antonio District	Bexar	The donor is donating the design and construction of two deceleration right turn lanes along FM 1957, restriping of FM 1957, two left turn lanes and two straight away lanes at the intersection of FM 1957 and SH 211, traffic signal modifications at SH 211, and removing a section of the median to provide a left turn lane into the donor's development in San Antonio, Bexar County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$450,000.00. <i>(Replaces previously acknowledged on 8/27/2020 due to a change in scope and an increase in the estimated value of the donation from \$430,000.00 to \$450,000.00.)</i>	\$450,000.00	8/13/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
11.	HF Management Development Company, LLC	Houston District	Montgomery	The donor is donating design and construction of a traffic signal, a left turn lane, a right turn lane, and a continuous left turn lane from eastbound and westbound FM 830 into the donor's development in Conroe, Montgomery County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$670,000.00. <i>(Replaces previously acknowledged on 11/15/2018 due to a decrease in the estimated value of the donation from \$1,600,000.00 to \$670,000.00.)</i>	\$670,000.00	8/22/2020
12.	HK Hannah Heights, LLC	San Antonio District	Guadalupe	The donor is donating the design and construction of a right turn lane on FM 20 at Love Trail Place, which is a new public street in Seguin, Guadalupe County, Texas. All design and construction will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$60,000.00.	\$60,000.00	8/27/2020
13.	IDEA Public Schools	San Antonio District	Guadalupe	The donor is donating the design and construction of a left turn lane on FM 725 at Conway Castle in New Braunfels, Guadalupe County, Texas. All design and construction will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$80,000.00.	\$80,000.00	8/27/2020
14.	K Marcos LLC	Austin District	Hays	The donor is donating the design and construction of a left turn and deceleration lane on SH 21 at Hollis Court in San Marcos, Hays County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$220,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$220,000.00	8/12/2020
15.	Larkspur at Shadow Creek Venture, LLC	Houston District	Brazoria	The donor is donating the design and construction of a left turn lane from westbound Shadow Creek Pkwy (FM 2234) into the Drever Larkspur Pearland development in Pearland, Brazoria County, Texas. All design and construction work will be provided by the donor, its consultant, or its contractor. The estimated value of the donation is \$210,000.00.	\$210,000.00	8/27/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
16.	Marcelo's L.P.	Austin District	Travis	The donor is donating the design and construction of a deceleration and acceleration lane at 5283 SH 71 W, to include pavement widening, drainage, striping and signage improvements in Del Valle, Travis County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$170,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$170,000.00	8/10/2020
17.	Mustang Developer LLC	Austin District	Caldwell	The donor is donating the design and construction of road widening on SH 21 to include; 1) right turn deceleration lanes for two driveways; and 2) to extend and restripe an existing left turn deceleration lane into a two-way center turn lane on Mustang Ridge from 0.4 miles east of SH 130 to 0.75 miles east of SH 130 in Caldwell County, Texas. All design and construction will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$320,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$320,000.00	8/27/2020
18.	Oaks at San Gabriel, LLC	Austin District	Williamson	The donor is donating the design and construction of a traffic signal modification at the intersection of Highway 29 at Vista Heights Drive in Georgetown, Williamson County, Texas. All design and construction will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$260,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$260,000.00	7/30/2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION	DOLLAR AMOUNT	DATE APPROVED
19.	ROP Retail 1, LLC	San Antonio District	Bexar	The donor is donating the design and reconstruction of a portion of the existing concrete median and installation of left turn lanes on FM 1957 (Potranco Rd.) at Stevens Parkway in San Antonio, Bexar County, TX. All design and construction work provided by the donor, its consultant or its contractor. The estimated value of the donation is \$43,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$43,000.00	8/27/2020
20.	RSZZ, LLC	Tyler District	Smith	The donor is donating the design and construction of lengthening the left turn lane by 250 feet into the donor's development on US 69 in Tyler, Smith County, Texas. The improvements consist of base repair, subgrade widening, milling, asphalt concrete pavement, and pavement markings. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$85,000.00, which includes payment for all state direct costs associated with the review, oversight, and inspection of the work that is on the state right of way.	\$85,000.00	8/19/2020
21.	VIA Real Estate, LLC	Waco District	Coryell	The donor is donating the design and construction of sidewalk, curb and gutter, and driveway on 1807 East U.S. Highway 190 in Copperas Cove, Coryell County, Texas. All design and construction work will be provided by the donor, its consultant or its contractor. The estimated value of the donation is \$16,000.00.	\$16,000.00	7/30/2020
22.	Wild Boar Ranch, LP	Austin District	Gillespie	The donor is donating a fixed amount of \$169,201.00 to cover the state's cost to construct a deceleration lane on US Highway 290 East for access to Altstadt Brewery in Fredericksburg, Gillespie County, Texas. All design and construction will be provided by the state. The state will include the construction work as part of project under CSJ#0113-02-068.	\$169,201.00	8/20/2020

EXHIBIT B
DONATIONS
September 24, 2020

NO.	DONOR	D/D/O	COUNTY	DESCRIPTION
1	Smurfit Kappa North America LLC.	Dallas	Kaufman	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.
2	V.T. Nguyen, D.D.S. PA (dba) Ecodental	Houston	Fort Bend	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.
3	Travis Bryan Law Group, PLLC	Houston	Harris	The donor is donating 1 mile of litter pick up per month for 2 years under the Sponsor A Highway Program.